

bound to recognize us as entitled to all the protection which the Constitution throws around the citizen. The same protection which the gentleman from Baltimore city claims I claim. I do not know whether the decision of the Supreme Court will change his views or not. I would like to have had the benefit of his reasoning upon this article, to let us know what are his views upon it, now for the first time attempted to be engrafted upon any State Constitution. But he permitted us to go on with the discussion without a word of reasoning, without a syllable in its favor or in explanation of it.

The Constitution declares substantially that no act of a State Legislature or of a State Convention shall violate it; and the Supreme Court is organized to determine certain cases which may involve the construction of the Constitution and the laws of Congress. In such cases even the advocates of secession admit the States are bound by the decision. But they suppose infractions and violations of the Constitution which cannot, being merely *political* matters, be passed upon *judicially*, and they put the case of "certain political rights guaranteed to the States of this Union by the terms of the Constitution itself" being taken from the States by the Federal Government. A case has been put and with marked ability, by Mr. Benjamin, in one of his orations, who has ably argued this question with a logical power, united with a strain of eloquence excelled by no one, "of the Senate undertaking to reject, by a vote, two Senators to which a State is entitled, and declaring that hereafter she shall be entitled to only one." And if for that reason, a State or a number of States, decide no longer to remain subject to the constitutional compacts, he asks: "Is that revolution or is it the exercise of clear constitutional rights?" My answer would be, it is *revolution*, that is, a change in the form of the existing government, in a mode and manner not pointed out or provided by the Constitution which organized the Government, growing out of a subject, to be sure, over which the Supreme Court has no jurisdiction, and which therefore you cannot bring to the arbitrament of the Supreme Court. But even those gentlemen who seceded admit, if a subject matter perfectly within its jurisdiction is brought to the Supreme Court, as in the case of the Dred Scott decision, they would stand by the decision of the Court and not treat it as the gentleman from Baltimore city (Mr. Stirling) and those with whom he acts treat the decisions of this high tribunal, to be tossed to the winds, and reviled. Why you hold up to public execration that great man, Chief Justice Taney, who delivered the opinion. You say the decision, as announcing any binding rule of conduct is not to be submitted to!

It is no authority in construing the Constitution or determining the action of the

citizen! You will submit to the *execution* when ordered. I will add that the gentleman from Baltimore city would only do this because he would be forced, and if he could possibly prevent the *execution*, he would do it. Or if any attempt should ever be made in Baltimore city to enforce a similar decision its enforcement by way of judicial process would be very doubtful, if the gentleman from Baltimore city could control it.

But to return. I repeat it. My answer would be, in the supposed case, that it would be revolution if carried on against the will of the other States or of the United States Government. The act would be one of *usurpation*, I admit, on the part of the Federal Government, which could clearly call for and demand revolution. But it would be none the less revolution by States. In confirmation of these views, Mr. Justice Grier says, on page 673, in the decision of the prize cases already referred to: "Hence in organizing this rebellion, they have *acted as States*, claiming to be sovereign over all persons and property within their respective limits, and asserting a right to absolve their citizens from their allegiance to the Federal Government."

The act done is one thing—the *justification* or *cause* is another. In the case put, the revolution produced by the act of the States or States refusing to remain any longer in the Union, would be justified.

Now, I put this case. Suppose that according to this theory of *paramount* allegiance, the General Government or Congress should undertake to reconstruct a State from one, or from several of the States, as has been done in the case of West Virginia; in regard to which Judge Catron held when an attachment was brought, setting forth that the party was a citizen of West Virginia, that he had no power to recognize West Virginia as a State, because it was unconstitutionally formed, and the attachment should be brought stating the party was a citizen of Virginia. Would this be an exercise of constitutional power? Certainly not. Suppose the General Government says: "I have paramount authority; paramount allegiance is due to me; Maryland shall have but one Senator, and I will enforce it." Would gentlemen for a moment say the General Government had a right to deny to Maryland her two Senators, and to wage war against the State of Maryland, sword in hand, if Maryland should refuse to acquiesce in such a decision, and should say, "give us the two Senators to which we are entitled, and we will come back and resume our place under the general government. If you do not we will resist you eternally."

And I may carry out the same line of argument with reference to the subject of slavery. There stands the slave property of the South protected by Constitutional provisions as any other property is protected, recognized by de-